

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONNA LAYNE,

Plaintiff,

v.

LORI BULLEN, ET AL,

Defendants.

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C.A. No. 05-CV-11096-NG

**MOTION OF DEFENDANTS TO DISMISS THE COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(1),
FOR LACK OF SUBJECT MATTER JURISDICTION**

Now come defendants, Lori Bullen, Marsha Cannon, Inspector Harrington and Allen Douillette, by and through their Attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, and file this Motion to Dismiss Pursuant To Fed. R. Civ. P. 12(b)(1). Defendants request the Court to dismiss the Complaint because the Court lacks subject matter jurisdiction. In support of this Motion defendants incorporate the attached Memorandum.

WHEREFORE, based upon the arguments and authorities submitted

in the attached Memorandum, defendants respectfully move this Court to grant their Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1).

Respectfully submitted,

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

By: /s/ Rayford A. Farquhar
Rayford A. Farquhar
Assistant U.S. Attorney
1 Courthouse Way, Ste. 9200
Boston, MA 02210
617-748-3100

CERTIFICATE OF SERVICE

Suffolk, ss.
Massachusetts

Boston,
December 14, 2005

I hereby certify that a true copy of the above document was served upon Eugene S. Johnson, 264 Broadway, Suite 502, Methuen MA 01844 by First Class Mail.

/s/ Rayford A. Farquhar
Rayford A. Farquhar
Assistant U.S. Attorney

LOCAL RULE 7.1 CERTIFICATION

I, Rayford A. Farquhar, Assistant United States Attorney, herein certify that on December 14, 2005 I attempted to contact Attorney Johnson to discuss this Motion but was unable to reach him.

/s/ Rayford A. Farquhar
Rayford A. Farquhar
Assistant U.S. Attorney